

# House File 2227 - Introduced

HOUSE FILE 2227

BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 546)

## A BILL FOR

1 An Act relating to child labor requirements administered by  
2 the labor commissioner, making penalties applicable, and  
3 including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 92.1, Code 2011, is amended to read as  
2 follows:

3 **92.1 Street occupations — ~~migratory labor.~~**

4 ~~1.—No~~ A person under ten years of age shall not be employed  
5 or permitted to work with or without compensation at any time  
6 within this state in street occupations of peddling, shoe  
7 ~~polishing,~~ the distribution or sale of newspapers, magazines,  
8 periodicals or circulars, nor in any other occupations in any  
9 street or public place. ~~The labor commissioner shall, when~~  
10 ~~ordered by a judge of the juvenile court, issue a work permit~~  
11 ~~as provided in this chapter to a person under ten years of age.~~

12 ~~2.—No person under twelve years of age shall be employed~~  
13 ~~or permitted to work with or without compensation at any time~~  
14 ~~within this state in connection with migratory labor, except~~  
15 ~~that the labor commissioner may upon sufficient showing by a~~  
16 ~~judge of the juvenile court, issue a work permit as provided in~~  
17 ~~this chapter to a person under twelve years of age.~~

18 Sec. 2. Section 92.2, Code 2011, is amended to read as  
19 follows:

20 **92.2 Over ten and under sixteen years of age.**

21 1. A person over ten and under sixteen years of age  
22 cannot be employed, with or without compensation, in street  
23 occupations ~~or migratory labor~~ as defined in section 92.1,  
24 unless the person holds a child labor work permit issued  
25 pursuant to this chapter ~~and the school the person attends has~~  
26 ~~certified that the person is regularly attending school and~~  
27 ~~the potential employment will not interfere with the person's~~  
28 ~~progress in school. A written agreement, as defined in section~~  
29 ~~92.11, subsection 1, shall not be required for the issuance of~~  
30 ~~a work permit under this section.~~

31 ~~a.—Notwithstanding section 92.7, a person with a permit to~~  
32 ~~engage in migratory labor shall only work between 5:00 a.m. and~~  
33 ~~7:30 p.m. from Labor Day through June 1, and between 5:00 a.m.~~  
34 ~~and 9:00 p.m. for the remainder of the year.~~

35 ~~b.—~~ 2. Notwithstanding section 92.7, a person with a permit

1 ~~to engage~~ engaged in street occupations shall only work between  
2 4:00 a.m. and 7:30 p.m. when local public schools are in  
3 session and between 4:00 a.m. and 8:30 p.m. for the remainder  
4 of the year.

5 ~~2. The requirements of section 92.10 shall not apply to~~  
6 ~~a person, firm, or corporation employing a person engaged in~~  
7 ~~street occupations pursuant to this section.~~

8 Sec. 3. Section 92.3, Code 2011, is amended to read as  
9 follows:

10 **92.3 Under fourteen — permitted occupations.**

11 ~~No~~ A person under fourteen years of age shall not be employed  
12 or permitted to work with or without compensation in any  
13 occupation, except in the street trade occupations ~~or migratory~~  
14 ~~labor occupations specified in section 92.1. Any migratory~~  
15 ~~laborer twelve to fourteen years of age may not work prior to~~  
16 ~~or during the regular school hours of any day of any private~~  
17 ~~or public school which teaches general education subjects and~~  
18 ~~which is available to such child.~~

19 Sec. 4. Section 92.4, subsection 4, Code 2011, is amended by  
20 striking the subsection.

21 Sec. 5. Section 92.8, subsection 19, Code 2011, is amended  
22 to read as follows:

23 19. Occupations involving exposure to ~~lead fumes or its~~  
24 ~~compounds, or to dangerous or poisonous dyes or hazardous~~  
25 chemicals.

26 Sec. 6. Section 92.10, Code 2011, is amended to read as  
27 follows:

28 **92.10 Permit on file.**

29 Except as provided in section 92.2, a person under sixteen  
30 years of age shall not be employed or permitted to work with or  
31 without compensation unless the person, firm, or corporation  
32 employing such person ~~receives and keeps on file accessible to~~  
33 ~~any officer charged with the enforcement of this chapter, a~~  
34 ~~work permit issued as provided in this chapter,~~ completes the  
35 requirements of section 92.11, subsection 5, paragraph "a", and

1 keeps a complete list of the names and ages of all such persons  
2 under sixteen years of age employed. An employer may complete  
3 and file a child labor work permit for an employee sixteen  
4 years of age or older.

5 ~~Certificates of age shall be issued for persons sixteen and~~  
6 ~~seventeen years of age and for all other persons eighteen and~~  
7 ~~over upon request of the person's prospective employer.~~

8 Sec. 7. Section 92.11, Code 2011, is amended by striking the  
9 section and inserting in lieu thereof the following:

10 **92.11 Issuance and revocation of child labor work permits.**

11 1. The labor commissioner shall develop and post on the  
12 division of labor services' internet site all of the following:

13 a. A child labor work permit form as provided by this  
14 section and a means of electronically filing a child labor work  
15 permit with the labor commissioner.

16 b. Information about the hours and occupation limitations as  
17 provided by this chapter.

18 c. An affidavit that may be completed by a licensed  
19 physician when no other proof of age is available.

20 2. Using the form created by the labor commissioner, the  
21 child shall complete the child's name, age, address, date  
22 of birth, place of birth, and gender, and shall sign the  
23 form. The child shall provide to the employer evidence of age  
24 consisting of one of the following forms of proof in descending  
25 order of preference:

26 a. A certified copy of the child's birth certificate legally  
27 filed with a registrar of vital statistics or other officer  
28 charged with the duty of recording births.

29 b. A passport.

30 c. Official documentation issued by the state or federal  
31 government that includes the child's age.

32 d. An affidavit on a form available from the labor  
33 commissioner signed by a licensed physician stating how old the  
34 physician believes the child to be.

35 3. A parent, guardian, or custodian of the child shall

1 complete the parent's, guardian's, or custodian's name,  
2 address, and telephone number, and shall sign the form.

3 4. The employer shall complete the business name, address,  
4 and telephone number. The employer shall review the relevant  
5 limitations on hours and occupations as set forth in this  
6 chapter. The employer shall personally view the evidence of  
7 the child's age and shall make a copy of the proof of age and  
8 keep it on file. The employer shall sign the child labor work  
9 permit including certification of each of the following:

10 a. The employer has viewed and copied the child's proof of  
11 age.

12 b. The employer has read and understands the hours and  
13 occupation limitations pertaining to the child.

14 c. The employer agrees not to employ the child in a manner  
15 inconsistent with the hours and occupation limitations.

16 d. The information on the child labor work permit is true  
17 and accurate.

18 e. The employer understands that criminal and civil  
19 penalties may result from violations of this chapter.

20 5. a. The employer shall either file the completed child  
21 labor work permit electronically with the labor commissioner or  
22 keep the completed child labor work permit on file accessible  
23 to any officer charged with the enforcement of this chapter.  
24 The employer shall also provide one copy of the completed child  
25 labor work permit to the child and one copy to the parent,  
26 guardian, or custodian of the child.

27 b. The child may begin work upon completion of the  
28 requirements of paragraph "a".

29 c. The labor commissioner may contact the employer regarding  
30 correcting deficiencies in the child labor work permit. If the  
31 employer does not make needed corrections within seven days,  
32 the labor commissioner may initiate revocation proceedings.

33 6. The labor commissioner may revoke a child labor work  
34 permit upon good cause in accordance with the provisions of  
35 chapter 17A.



1 who customarily and repeatedly travels from state to state for  
2 the purpose of obtaining seasonal employment. The general  
3 provisions of Code chapter 92 remain applicable to such  
4 activity.

5 The bill removes an exemption for street occupations from  
6 the work permitting process.

7 The bill removes a provision requiring an issuing officer to  
8 issue certificates of age.

9 The bill revises the process for the issuance of work permits  
10 for child labor. The bill removes the responsibility of a  
11 superintendent of schools or other school official to issue a  
12 work permit. Under the bill, a child may begin work upon the  
13 child's employer electronically filing a completed work permit  
14 form with the labor commissioner or retaining a completed  
15 work permit on file. The bill removes the requirement that  
16 a child's employer file a physical copy of the permit with  
17 the commissioner. The commissioner may contact the employer  
18 regarding any deficiencies in the form, and the employer will  
19 have seven days to make any corrections. The commissioner may  
20 revoke a work permit for good cause in accordance with Code  
21 chapter 17A, the Iowa administrative procedure Act. The bill  
22 sets out the information that must be included on a work permit  
23 form, including identifying information, contact information,  
24 and proof of age. The bill specifies that certain parts of a  
25 work permit form are to be filled out by the child; the child's  
26 parent, guardian, or custodian; and the child's employer. The  
27 bill requires an employer to verify the child's age, and to  
28 review and agree to obey the requirements of Code chapter 92.  
29 The bill removes from the information required on a work permit  
30 form the child's work hours and duties, height, weight, hair  
31 color, eye color, and last grade completed. The bill allows an  
32 employer to fill out a work permit for an employee 16 years of  
33 age or older.

34 Code chapter 92 provides that it is not to be construed to  
35 prohibit a juvenile court from ordering a child at least 12

1 years old to complete a work assignment of value to the state  
2 or to the public or to the victim of a crime committed by the  
3 child. The bill removes this age limitation.

4 The bill allows the labor commissioner to file a petition  
5 for enforcement for a civil penalty if the penalty is final  
6 pursuant to Code chapter 17A and to promptly receive an  
7 enforcement decree.

8 The bill makes additional technical changes to Code chapter  
9 92.

10 The bill takes effect January 1, 2013.